



**STATE OF NEW YORK
UNIFIED COURT SYSTEM**

**111 Centre Street, Room 1240
New York, NY 10013**

**RULES REGARDING PRELIMINARY CONFERENCES
(NEW YORK COUNTY)**

Hon. George J. Silver

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Provided that duly filed and served bill(s) of particular(s) has/have been furnished, the parties are directed to confer with one another, and fill out the attached preliminary conference forms following the filing of a request for judicial intervention, and assignment of this action to this part.

Once completed, the parties are directed to e-mail the preliminary conference forms to the court at manmedmal@nycourts.gov. When submitting the preliminary conference forms, the parties should indicate whether a conference is needed with the court to resolve any outstanding issues. The subject line of the email shall include the Index Number and Caption of the case. In the e-mail to the court, the parties should succinctly state the nature of the issue requiring the court's intervention, and the names and e-mail addresses of the attorneys wishing to attend a remote conference. The parties are also encouraged to provide a range of dates reflecting the availability of the attorneys for a remote conference.

If a preliminary conference with the court is unnecessary, the proposed order will be signed and uploaded to the New York State Courts E-Filing System ("NYSCEF"), and the parties will be notified about a compliance conference date (*see* "Rules Regarding Conferencing for Medical Malpractice Cases (New York County)").

In general, the court encourages the parties to make earnest efforts to resolve disputes prior to seeking the court's intervention. To facilitate agreement, and obviate the need for the court's intervention in all but the most extenuating circumstances, the court submits the following rules for guidance:

1. Any proposed preliminary conference order shall state the date plaintiff(s) served the Bill of Particulars ("BP"). **The failure to serve a BP will result in the court forestalling issuance of a preliminary conference order until a BP has been provided.** The continued failure to provide a BP may result in an order imposing costs



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or other sanctions upon the offending party pursuant section 130.2.1 of the Rules of the Chief Administrator, 22 NYCRR §202.27, or any other applicable rule or statute.

2. Medical Authorizations: When a defendant serves a demand for authorizations together with a demand for a BP, counsel for the plaintiff shall serve the authorizations with the BP.

3. Compliance Conference following the Preliminary Conference: The date for a compliance conference shall be set by the court in the preliminary conference order. Absent an extenuating circumstance (and factoring case complexity), a compliance conference will be scheduled no later than three to four months after the preliminary conference order.

4. If the parties agree on all matters and the court approves the terms of a completed preliminary conference order, the order shall be “So Ordered” by the court and uploaded to NYSCEF. The next compliance conference date will be set by the court.

5. Wherever possible, dates certain, such as “on December 31, 2021” shall be used. Open ended dates such as “on or before December 31, 2021,” “within 45 days,” or non-specific directives such as “all discovery not yet provided” or “unless otherwise provided,” or “to the extent not yet provided,” may not preserve any rights and are to be used sparingly.

6. Order Compliance. Strict compliance with preliminary conference orders is required (*see Kihl v. Pfeffer*, 94 NY2d 118 [1999]). Unexcused or unjustified failures to comply with requirements and deadlines fixed by the court in the subject orders, may result in the imposition of costs, sanctions, penalties or other remedies upon the offending party pursuant section 130.2.1 of the Rules of the Chief Administrator, 22 NYCRR §202.27, or other applicable rule or statute, including but not limited to CPLR §3126. Extensions of deadlines set forth in the preliminary conference order must be requested from the court in writing and shall only be granted upon a showing of good cause.